

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN CIVIL LIBERTIES UNION OF  
MASSACHUSETTS, INC.,

Plaintiff,

v.

THE CENTRAL INTELLIGENCE AGENCY,  
THE OFFICE OF THE DIRECTOR OF  
NATIONAL INTELLIGENCE, THE UNITED  
STATES DEPARTMENT OF DEFENSE, and  
THE NATIONAL SECURITY AGENCY,  
Defendants.

Civil Action No. 22-CV-11532-DJC

**DECLARATION OF DANIEL L. MCFADDEN**

I, Daniel L. McFadden, hereby declare and state as follows:

1. I am a staff attorney at the American Civil Liberties Union Foundation of Massachusetts.
2. Attached hereto as **Exhibit A** is a true and accurate copy of a FOIA request that I submitted to the Department of Homeland Security (“DHS”) on or about August 15, 2022.
3. Attached hereto as **Exhibit B** is a true and accurate copy of a FOIA request that I submitted to the National Geospatial-Intelligence Agency (“NGA”) on or about August 15, 2022.
4. Attached hereto as **Exhibit C** is a true and accurate copy of a FOIA request that I submitted to the Department of Defense (“DoD”) on or about August 15, 2022.
5. Attached hereto as **Exhibit D** is a true and accurate copy of a FOIA request that I submitted to the Central Intelligence Agency (“CIA”) on or about August 16, 2022.
6. Attached hereto as **Exhibit E** is a true and accurate copy of a FOIA request that I submitted to the National Security Agency (“NSA”) on or about August 16, 2022.
7. Attached hereto as **Exhibit F** is a true and accurate copy of a FOIA request that I submitted to the National Reconnaissance Office (“NRO”) on or about August 16, 2022.

8. Attached hereto as **Exhibit G** is a true and accurate copy of a letter I received from NGA dated September 8, 2022.

9. Attached hereto as **Exhibit H** is a true and accurate copy of a letter I received from DHS dated September 12, 2022.

10. Attached hereto as **Exhibit I** is a true and accurate copy of a letter I received from ODNI dated January 13, 2023.

11. Attached hereto as **Exhibit J** is a true and accurate copy of a letter I received from the DoD dated January 13, 2023.

12. Attached hereto as **Exhibit K** is a true and accurate copy of a letter I received from the NSA dated January 17, 2023.

13. Attached hereto as **Exhibit L** is a true and accurate copy of a letter I received from the CIA dated January 23, 2023.

14. Attached hereto as **Exhibit M** is a true and accurate copy of email correspondence between me and NRO dated August 18, 2022.

15. Attached hereto as **Exhibit N** is a true and accurate copy of a letter I received from NRO dated February 24, 2023.

16. Attached hereto as **Exhibit O** is a true and accurate copy of a letter from Donald J. Trump to Debra Steidel Wall, Acting Archivist of the United States, dated June 19, 2022, as downloaded from <https://www.archives.gov/files/foia/trump-pra-representatives-designation-letter.06.19.2022-redacted.pdf> on March 6, 2023.

17. According to a video posted at <https://www.mediaite.com/tv/trumps-office-issues-statement-claiming-he-gave-a-standing-order-that-automatically-declassified-any-documents-he->

took-home-with-him/, which I have viewed, John Solomon made the following statement on or about August 12, 2022:

Tonight, President Trump, through his official office in Mar-a-Lago, has provided this show here and Just the News the following statement. I apologize for looking down, but – it's so fresh, it's on my phone. It literally just came in. This is from President Trump's office. It just came in a few minutes ago.

As we can all relate to, everyone ends up having to bring home their work from time to time. American Presidents are no different. President Trump, in order to prepare the work the next day, often took documents including classified documents to the residence.

He had a standing order -- there's the word I've been looking for -- that documents removed from the Oval Office and taken to the residence were deemed to be declassified the moment he removed them. The power to classify and declassify documents rests solely with the President of the United States.

The idea that some paper-pushing bureaucrat with classification authority delegated by the President needs to approve the declassification is absurd.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on March 6, 2023

/s/ Daniel L. McFadden  
Daniel L. McFadden